

Appl. No. 10/687,180
Amdt dated July 18, 2006
Reply to Office Action of February 21, 2006

REMARKS/ARGUMENTS

Claims 5, 11, 13, 19, 20, 21, 25, 27, 33, 34, 35, 39, and 41 have been amended as suggested by the examiner. Claims 14, 28, and 42 have not been amended because their independent claims 13, 27 and 43 have now been amended to provide the required antecedent basis.

The rejections of claims 1-3, 15-17 and 29-31, and 33 under 35 USC 103(a) as being unpatentable over Hirano (JP 02-205760) in view of McCroskey (US Patent 5138642) is respectively traversed. Without conceding anything about the rejection of the dependent claims, the basis for the rejections of independent claims 1, 15 and 29 is fundamentally flawed because the combination of Hirano and McCroskey does not show each and every limitation of applicant's claims.

First, Applicant's claims 1, 15, and 29 are directed to using a single energy sensor (see Applicant's fig. 2). However, Hirano shows that three detectors are necessary (see Hirano's fig. 1, #4, 6, and 7).

Second, applicant's claim 1, 15, and 29 are directed to radiation passing through a body where the radiation directly impinges on an energy sensor (see Applicant's fig. 2). However, Hirano shows x-ray passing through a body whereupon certain wavelengths are first pre-selected by deflectors (see Hirano's fig. 1, #4, 6, and 7) prior to impinging upon detectors.

Third, applicant's radiation's optical axis can be at various canted, but non-perpendicular, angles to the axis of rotation of the body (see Applicant's fig. 2). Hirano, on the other-hand, shows the radiation's optical axis can only be at a perpendicular angle to the axis of rotation of the body (see Hirano's fig. 1).

The remaining rejections all depend on Hirano teaching what it doesn't teach, and none of the citations teach the claim limitation of applicant's independent claims 1, 15 and 29. Therefore, these rejections should be withdrawn.


The Examiner is thanked for allowing claims 7-14, 21-28, and 35-42. In view of the foregoing, applicant believes that the application is in condition for allowance and respectively solicits a Notice of Allowance.

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The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3881.

Dated: July 18, 2006

Respectfully submitted,

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